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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/836,467	04/18/2001	Akihiro Kawaoka	ASA-996	8847
24956	7590	05/10/2005	EXAMINER	
MATTINGLY, STANGER, MALUR & BRUNDIDGE, P.C. 1800 DIAGONAL ROAD SUITE 370 ALEXANDRIA, VA 22314			WU, JINGGE	
			ART UNIT	PAPER NUMBER
			2623	

DATE MAILED: 05/10/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/836,467	Applicant(s) KAWAOKA ET AL.	
	Examiner Jingge Wu	Art Unit 2623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 January 2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-33 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) 12-17, 27 and 28 is/are allowed.
- 6) ☐ Claim(s) 1-5, 8, 11, 18-20, 22, 24-26 and 29-33 is/are rejected.
- 7) ☐ Claim(s) 6, 7, 9, 10, 21 and 23 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date: _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date: _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Applicant's response and English translation filed on January 13, 2005 have been entered and made of record.

The rejection based on JP 2000-209424A to Yokokura is expressly withdrawn because Yokokura is now not considered to be a prior art.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, 18, 24, 29, and 33 are rejected under 35 U.S.C. 102(e) as being clearly anticipated by US 6768558 to Yamashita et al.

The applied reference has a common *** with the instant application. Based upon the earlier effective U.S. filing date of the reference, it constitutes prior art under 35 U.S.C. 102(e). This rejection under 35 U.S.C. 102(e) might be overcome either by a showing under 37 CFR 1.132 that any invention disclosed but not claimed in the reference was derived from the inventor of this application and is thus not the invention "by another," or by an appropriate showing under 37 CFR 1.131.

Art Unit: 2623

As to claims 1, 18, 24, 29 and 33, the elements of sheets definition data (copies and mirage certificates), managing server (101) and charging sever (101a), number of use times and incremented calculations (pay-per-use printing) are discussed in column 10 line 27-col. 11 line 9, fig. 14).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-5, 8, 11, 18-20, 22, 24-26, and 29-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over JP11-167603A to Takahiro (a reference of PTO 1449) in view of US 6775023 to Fukunaga et al.

As to claim 1, Takahiro discloses A sheet definition data managing apparatus comprising:

a sheet defining terminal (fig. 1, 5) for generating sheet definition data for defining characteristics of various sheets (0030);
a sheet definition data managing server for storing and managing the sheet definition data (fig. 1, 2, 0030 and 0037).

Takahiro does not explicitly mention charge managing.

Fukunaga, in an analogous environment, discloses

a charge managing server (inherently performing the charging process) for managing the number of use times each time each of the various sheets is used, wherein charge information stored in said charge managing server is via a network. a

charge from the collected charge information, and the calculated use charge is claimed for the external (client) (figs 1 and 18, col. 27 line 66-col. 28 line 5).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to use the charge accounting scheme of Fukunaga in the system of Takahiro to manage the times of recognizing the sheets by OCR. Doing so would accurately record the use time of client's using the system and increase the efficiency of charging management. (Fukunaga, col. 2 lines 45-65).

As to claim 18, the elements are discussed with respect to claim 1.

As to claims 2 and 8, the combination of Takahiro and Fukunaga further discloses a plurality of sheets being recognized and accounted (see claim 1).

As to claim 3, Takahiro further discloses a sheet definition data managing apparatus according to claim 1, further comprising a sheet image managing server for storing and managing image data of a sheet, wherein said sheet definition terminal reads the sheet image data from said sheet image managing server, generates sheet definition data by judging whether the sheet image data is used for new generation of the sheet definition data (0044 and 0062-0063) or for modification thereof, displays and edits the read sheet image data and generated sheet definition data, and stores the edited sheet definition data in said sheet definition data managing server (0043-0052).

As to claim 4, Takahiro further discloses a sheet definition data managing apparatus according to claim 1, further comprising a sheet image managing server for storing and managing image data of a sheet and a verifying terminal (fig.1, 8) for performing a recognizing process of recognizing the sheet image data read from said sheet image managing server by using the sheet definition data read from said sheet definition data managing server and for verifying a result of the recognizing process (0040-0043).

As to claims 5 and 11, Takahiro further discloses a sheet definition according to claim 1, data managing server includes a sheet management table storing the sheet definition data classified into each category and determines the sheet definition data to be supplied to the external, by referring to the sheet management table (fig. 2 and 4, 0034 and 0043).

As to claim 19, Takahiro further discloses a managing apparatus according to claim 18, further comprising image acquiring means (fig. 1, 1) for acquiring image data of the sheet or acquiring the image data of the sheet from an external, wherein the sheet definition data to be stored in said managing server is generated in accordance with the image data of the sheet acquired by said image acquiring means (fig. 1).

As to claims 24 and 29, the elements are discussed with regard to claims 1, 4 and 19.

As to claims 30-32, the elements are discussed with regard to claims 1, and 5.

As to claim 25, Takahiro and Fukunaga further disclose a sheet recognizing apparatus electrically connected to said sheet definition data managing apparatus for executing a sheet recognizing process, wherein said sheet definition data managing apparatus includes said sheet defining terminal (2), said sheet definition data managing server (5) and said charge server (Fukunaga, 1810), and said sheet recognizing apparatus includes said image acquiring means (1) and said recognizing server (5) (fig.1).

As to claims 22 and 26, the combination of Takahiro and Fukunaga further discloses calculating the charge for each time uses (the number of copies) in management table (col. 27 line 66-col. 28 line 5).

Allowable Subject Matter

Claims 6-7, 9-10, 21, 23 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten **in independent form including all of the limitations of the base claim and any intervening claims.**

Claims 12, and 27 are allowed. Claims 13-17 and 28 depend from claims 12 and 27 respectively, therefore, are allowed.

Contact Information

Any inquiry concerning this communication or earlier communications should be directed to Jingge Wu whose telephone number is (571) 272-7429. He can normally be reached Monday through Thursday from 8:00 am to 4:30 pm. The examiner can be also reached on second alternate Fridays.

Any inquiry of a general nature or relating to the status of this application should be directed to TC customer service whose telephone number is (571) 272-2600.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Amelia Au, can be reached at (571) 272-7414.

The Working Group Fax number is (703) 872-9306.

Jingge Wu

Primary Patent Examiner

